

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE STATIC RANDOM ACCESS
MEMORY (SRAM) ANTITRUST
LITIGATION,

Case Nos. M:07-cv-1819 CW

MDL No. 1819

**MODIFIED ORDER GRANTING IN
PART DEFENDANTS'
ADMINISTRATIVE MOTION TO SEAL**

This Document Relates to:
ALL INDIRECT PURCHASER ACTIONS,

[PROPOSED] MODIFIED ORDER GRANTING IN PART DEFENDANTS' ADMINISTRATIVE MOTION TO
SEAL

1 Having reviewed Third Party Kyocera Wireless Corporation's Request for Modification
2 to Sealing Order and the Declaration of Donald Timms in Support thereof, and good cause
3 appearing, the Court hereby FINDS good cause to file under seal the following portions of
4 Defendants' documents:

- 5 1. The last sentence of Footnote 27 of the Burtis report, beginning with "Kyocera's"
6 and ending with "data they provided."
- 7 2. Footnote 60 of the Burtis Report in its entirety.
- 8 3. Footnote 61 of the Burtis Report in its entirety.
- 9 4. Footnote 62 of the Burtis Report in its entirety.
- 10 5. Footnote 63 of the Burtis Report in its entirety.
- 11 6. Footnote 64 of the Burtis Report in its entirety.
- 12 7. Paragraph 67, lines 12-16 of the Burtis Report, beginning with "Kyocera Wireless
13 Corporation" and ending with "shown in Exhibit 12."
- 14 8. Footnote 96 of the Burtis Report in its entirety.
- 15 9. Paragraph 68, lines 9-14 of the Burtis Report, beginning with "According to
16 Kyocera" and ending with "the cost of SRAM."
- 17 10. Footnote 99 of the Burtis Report in its entirety.
- 18 11. Paragraph 124, lines 2-6, of the Burtis Report, beginning with "Kyocera, a smart
19 phone" and ending with "of its products."
- 20 12. Footnote 179 of the Burtis Report in its entirety.
- 21 13. Paragraph 137, lines 4-5, of the Burtis Report, beginning with "As described" and
22 ending with "their customers."
- 23 14. Paragraph 137, lines 9-12, of the Burtis Report, beginning with "Also described"
24 and ending with "SRAM cost."
- 25 15. Paragraph 168, lines 14-17, of the Burtis Report, beginning with "Similarly" and
26 ending with "(as described above)."
- 27 16. Paragraph 180, lines 10-16 of the Burtis Report, beginning with, "Information
28 obtained" and ending with, "depend on cost."

- 1 17. Exhibit 12 of the Burtis Report, the last line of the chart, beginning with
- 2 “Kyocera” and ending with “%”.
- 3 18. Class Certification Opposition, page 6, line 4, beginning with “Many intermediate
- 4 resellers,” and ending with “¶7.)”
- 5 19. Class Certification Opposition, page 6, line 11, beginning with “(Burtis ¶124.)”
- 6 20. Class Certification Opposition, page 6, line 4, beginning with “Products sold by
- 7 US Cellular” through page 8, line 1, ending with “used for some phones.”
- 8 21. Class Certification Opposition, page 6, line 11, beginning with “(Burtis ¶124.)”
- 9 and ending with “¶7-11.)”
- 10 22. Class Certification Opposition, page 6, line 20, beginning with “For example,
- 11 the,” and ending with “¶8.)”
- 12 23. Class Certification Opposition, page 6, line 24, beginning with “Because SRAM”
- 13 through page 7 line 1, ending with “¶15.)”
- 14 24. Class Certification Opposition, page 7, line 12, beginning with “As an Original,”
- 15 and ending with “(emphasis added).)”
- 16 25. Class Certification Opposition, page 29, line 5, beginning with “Information
- 17 obtained” and ending with “actual cost.”
- 18 26. Class Certification Opposition, page 38, line 1, beginning with “Additionally,
- 19 some” and ending with “¶7-10.)”
- 20 27. Class Certification Opposition, page 38, line 17, beginning with “Some carriers”
- 21 through Page 39, line 15, ending with “¶7-10.)”
- 22 28. Class Certification Opposition, page 39, line 16, beginning with “In these
- 23 instances” and ending with “in SRAM price.”
- 24 29. Class Certification Opposition, page 40, line 2, beginning with “Ex” and ending
- 25 with “¶8.)”
- 26 30. Class Certification Opposition, page 40, line 6-8, beginning with “Ex” and ending
- 27 with “done so.”).)”
- 28 31. Class Certification Opposition, page 40, line 24, beginning with “(Ex.” through

Page 41, line 2, ending with “(emphasis added).)”

32. The Declaration of Steve Watts,¹ the entire ¶4 on Page 1, beginning with “When purchasing mobile” and ending with “target prices.”
33. Watts Declaration, the entire ¶5 on Page 1, beginning with “Under the arrangements” and ending with “for carriers/customers.”
34. Watts Declaration, the entire ¶6 on Page 1, beginning with “Generally, during” and ending with “prices of its components.”
35. Watts Declaration, the entire ¶7 on Pages 1-2, beginning with “Because price” and ending with “sold to carriers.”
36. Watts Declaration, the entire ¶8 on Page 2, beginning with “If a component” and ending with “increase in price.”
37. Watts Declaration, the entire ¶9 on Page 2, beginning with “For mobile phones” and ending with “by the carriers/customers.”
38. Watts Declaration, the entire ¶10 on Page 2, beginning with “For mobile phones” and ending with “by the carriers/customers.”
39. Watts Declaration, the first sentence of ¶11 on Page 2, beginning with “The pricing arrangement” and ending with “same period of time.”
40. Watts Declaration, the entire ¶13 on Page 2, beginning with “During the subpoena period” and ending with “its carriers/customers.”
41. Watts Declaration, the entire ¶14 on Page 2, beginning with “At no time” and ending with “SRAM increased.”
42. Watts Declaration, the entire ¶15 on Page 3, beginning with “The SRAM component” and ending with “not have done so.”
43. Watts Declaration, the entire ¶16 on Page 3, beginning with “This is due” and ending with “cost of SRAM.”
44. The Declaration of Mark Lieberman,² the entire ¶3 on Page 1, beginning with “Only some” and ending with “contain SRAM.”

¹ Filed as Exhibit C to the Declaration of Patrick M. Ryan in support of Defendants’ Class Certification Opposition.

² Filed as Exhibit D to the Declaration of Patrick M. Ryan in support of Defendants’ Class Certification Opposition.

- 1 45. Lieberman Declaration, the entire ¶4 on Page 1, beginning with “Kyocera
2 purchased” and ending with “contained SRAM.”
- 3 46. Lieberman Declaration, the entire ¶6 on Page 1, beginning with “If the price” and
4 ending with “in response thereto.”
- 5 47. Lieberman Declaration, the entire ¶7 on Page 1, beginning with “During the
6 subpoena period” and ending with “to its carrier/customers.”
- 7 48. Lieberman Declaration, the entire ¶8 on Pages 1-2, beginning with “Typically, the
8 SRAM” and ending with “the Subpoena Period.”
- 9


10 Accordingly, Kyocera Wireless Corporation’s Request for Modification to Sealing
11 Order is GRANTED. Defendants may file under seal the designated portions of the documents
12 listed above.

13 **IT IS SO ORDERED.**

14

15 6/29/09

16 Dated: _____



The Honorable Claudia Wilken
United States District Court Judge
Northern District of California